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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/054,839	01/22/2002	David S. Parkman	7784-000212	7764
27572	7590	02/24/2005	EXAMINER	
HARNES, DICKEY & PIERCE, P.L.C.			BAYARD, DJENANE M	
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BLOOMFIELD HILLS, MI 48303			PAPER NUMBER	

2141

DATE MAILED: 02/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/054,839

Applicant(s)

PARKMAN ET AL.

Examiner

Djenane M Bayard

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 January 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>1/22/02</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-3, 8, 12-13, 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,014,669 to Slaughter et al in view of U.S. Patent Application No. 2003/0009761 to Miller et al.

- a. As per claim 1, Slaughter et al teaches a highly- available distributed cluster configuration database. Furthermore, Slaughter et al teaches a first server that provides a first service and includes a first configuration database; a second server, connected to said first server, that provides a second service and includes a second configuration database (See col. 3, lines 63-65, Cluster configuration database stores data such as configuration parameters and runtime data), wherein when said first and second servers boot up, said first and second servers compare said first and second configuration databases (See col. 12, lines 50-55, the copies of the configuration database on each node are then compared to determine whether each node has a consistent a copy of the configuration database) . However, Slaughter et al failed to teach wherein the network is a network for a mobile platform.

Miller et al teaches a network for a mobile platform (See page 1, paragraph [0006]).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate wherein the network is for a mobile platform as taught by Miller et al in the claimed invention of Slaughter et al in order to provide two-way communication, data and entertainment for mobile passengers (See page 1, paragraph [0006]).

b. As per claim 12, Slaughter et al teaches a highly-available distributed cluster configuration database. Furthermore, Slaughter et al teaches a method of initializing a network comprising: connecting first and second servers; powering on said first and second servers; providing a first service with said first server that includes a first configuration database (See col. 3, lines 63-65, Cluster configuration database stores data such as configuration parameters and runtime data); providing a second service with said second server that includes a second configuration database; comparing said first and second configuration databases (See col. 12, lines 50-55, the copies of the configuration database on each node are then compared to determine whether each node has a consistent a copy of the configuration database) when said first and second servers boot up and complete self-testing (See col.5, lines 25-30). However, Slaughter et al failed to teach wherein the network is a network for a mobile platform.

Miller et al teaches a network for a mobile platform (See page 1, paragraph [0006]).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate wherein the network is for a mobile platform as taught by Miller et al in the claimed invention of Slaughter et al in order to provide two-way communication, data and entertainment for mobile passengers (See page 1, paragraph [0006]).

c. As per claim 2, Slaughter et al in view of Miller et al teaches the claimed invention as described above. Furthermore, Slaughter et al teaches wherein said comparison occurs after boot up and self-testing (See col. 5, lines 25-30).

d. As per claims 3 and 13, Slaughter et al in view of Miller et al teaches the claimed invention as described above. Furthermore, Slaughter et al teaches wherein if said first and second configuration databases do not match, one of said first and second configuration databases having an older update date is replaced with the other of said first and second configuration databases having a newer update date (See col. 8, lines 20-30).

e. As per claims 8 and 18, Slaughter et al in view of Miller et al teaches the claimed invention as described above. Furthermore, Slaughter et al teaches a third server, connected to said first and second servers, that provides a third service and includes a third configuration database (See col. 3, lines 39-67).

3. Claims 4 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. U.S. Patent No. 6,014,669 to Slaughter et al in view of U.S. Patent Application No. 2003/0009761 to Miller et al as applied to claim 8 above, and further in view of U.S. Patent application No. 2003/0014526 to Pullara et al.

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a. As per claims 4 and 14, Slaughter et al in view of Miller et al teaches the claimed Glenn invention as described above. However, Slaughter et al in view of Miller et al failed to teach wherein a first of said first and second servers to boot up and complete self-testing is designated a primary server.

Pullara et al teaches wherein a first of said first and second servers to boot up and complete self-testing is designated a primary server (See page 3, paragraph [0038]).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate wherein a first of said first and second servers to boot up and complete self-testing is designated a primary server as taught by Pullara et al in the claimed invention of Slaughter et al in view of Miller et al in order to provide redundancy for a client network session (See page 1, paragraph [0003]).

4. Claims 6-7 and 15-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. U.S. Patent No. 6,014,669 to Slaughter et al in view of U.S. Patent Application No. 2003/0009761 to Miller et al as applied further in view of U.S. Patent application No. 2003/0014526 to Pullara et al to claim 4 above, and further in view of U.S. Patent 5,852,724 to Glenn, II et al.

a. As per claims 6 and 16, Slaughter et al in view of Miller et al teaches the claimed invention as described above. However, Slaughter et al in view of Miller et al failed to teach wherein if said first server does not boot up and complete self-testing, said second server performs a subset of said first service.

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Glenn, II et al teaches a system and method for server backup. Furthermore, Glenn, II et al teaches wherein if said first server does not boot up and complete self-testing, said second server performs a subset of said first service (See col. 9, lines 15-39).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate wherein if said first server does not boot up and complete self-testing, said second server performs a subset of said first service as taught by Glenn, II et al in the claimed invention of Slaughter et al in view of Miller et al in order to provide fail over capability from a primary server to a secondary server (See col. 1, lines 8-10)

b. As per claims 7 and 17, Slaughter et al in view of Miller et al teaches the claimed invention as described above. However, Slaughter et al in view of Miller et al failed to teach wherein if said second server does not boot up and complete self-testing, said first server performs a subset of said second service.

Glenn, II et al teaches a system and method for server backup. Furthermore, Glenn, II et al teaches wherein if said second server does not boot up and complete self-testing, said first server performs a subset of said second service (See col. 9, lines 15-39).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate wherein if said second server does not boot up and complete self-testing, said first server performs a subset of said second service as taught by Glenn, II et al in the claimed invention of Slaughter et al in view of Miller et al in order to provide fail over capability from a primary server to a secondary server (See col. 1, lines 8-10).

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c. As per claim 15, Slaughter et al in view of Miller et al teaches the claimed Glenn invention as described above. However, Slaughter et al in view of Miller et al failed to teach wherein said primary server tracks network status.

Glenn, II et al teaches a system and method for server backup. Furthermore, Glenn, II et al teaches wherein said primary server tracks network status (See col. 9, lines 3-5).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate wherein said primary server tracks network status as taught by Glenn, II et al in the claimed invention of Slaughter et al in view of Miller et al in order to provide fail over capability from a primary server to a secondary server (See col. 1, lines 8-10)

5. Claims 9-10 and 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,014,669 to Slaughter et al in view of U.S. Patent Application No. 2003/0009761 to Miller et al as applied to claim 8 above, and further in view of U.S. Patent Application No. 2002/0178451 to Ficco.

a. As per claims 9 and 19, Slaughter et al in view of Miller et al teaches the claimed invention as described above. However, Slaughter et al in view of Miller et al failed to teach wherein said mobile platform is an aircraft and one of said first, second and third servers is a web server.

Ficco teaches a method, system and computer program product for aircraft multimedia distribution. Furthermore, Ficco teaches wherein said mobile platform is an aircraft and one of said first, second and third servers is a web server (See page 1, paragraph [0008]).

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It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate wherein said mobile platform is an aircraft and one of said first, second and third servers is a web server as taught by Ficco in the claimed invention of Slaughter in view of Miller in order to improve aircraft multimedia distribution (See page 1, paragraph [0007]).

b. As per claims 10 and 20, Slaughter et al in view of Miller et al teaches the claimed invention as described above. However, Slaughter et al in view of Miller et al failed to teach wherein said mobile platform is an aircraft and one of said first, second and third servers is a media server.

Ficco teaches a method, system and computer program product for aircraft multimedia distribution. Furthermore, Ficco teaches wherein said mobile platform is an aircraft and one of said first, second and third servers is a media server (See page 1, paragraph [0009]).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate wherein said mobile platform is an aircraft and one of said first, second and third servers is a media server as taught by Slaughter et al in view of Miller et al in order to improve aircraft multimedia distribution (See page 1, paragraph [0007]).

6. Claims 11 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. U.S. Patent No. 6,014,669 to Slaughter et al in view of U.S. Patent Application No. 2003/0009761 to Miller et al as applied to claim 8 above, and further in view of U.S. Patent Application No. 2001/0027378 to Tennison et al.

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a. As per claims 11 and 21, Slaughter et al in view of Miller et al teaches the claimed invention as described above. However, Slaughter et al in view of Miller et al failed to teach wherein said mobile platform is an aircraft and one of said first, second and third servers is a data transceiver server.

Tennison et al teaches collecting and reporting information concerning mobile assets. Furthermore, Tennison et al teaches wherein said mobile platform is an aircraft and one of said first, second and third servers is a data transceiver server (See page 3, paragraph [0023]).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate wherein said mobile platform is an aircraft and one of said first, second and third servers is a data transceiver server as taught by Tennison et al in view of Slaughter et al in view of Miller et al. in order to provide remote bi-directional communications (See page 3, paragraph [0023]).

7. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. U.S. Patent No. 6,014,669 to Slaughter et al in view of U.S. Patent Application No. 2003/0009761 to Miller et al as applied further in view of U.S. Patent application No. 2003/0014526 to Pullara et al to claim 4 above, and further in view of U.S. Patent 5,852,724 to Glenn, II et al.

a. As per claims 5 and 15, Slaughter et al in view of Miller et al and further in view of Pullara et al teaches the claimed Glenn invention as described above. However, Slaughter et al in view of Miller et al failed to teach wherein said primary server tracks network status.

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Glenn, II et al teaches a system and method for server backup. Furthermore, Glenn, II et al teaches wherein said primary server tracks network status (See col. 9, lines 3-5).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate wherein said primary server tracks network status as taught by Glenn, II et al in the claimed invention of Slaughter et al in view of Miller et al and further in view of Pullara et al in order to provide fail over capability from a primary server to a secondary server (See col. 1, lines 8-10)

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent No. 5,913,164 to Pawa et al teaches a mobile satellite system and a mobile communication system.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Djenane M Bayard whose telephone number is (571) 272-3878. The examiner can normally be reached on Monday- Friday 5:30 AM- 3:00 PM..


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on (571) 272-3880. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Djenane Bayard

Patent Examiner



RUPAL DHARIA
SUPERVISORY PATENT EXAMINER